

equipment counterfeit and barring Defendants from advancing any theory in this case denying that Defendants sold counterfeit goods to ICT.

Plaintiffs also move to exclude Defendants' expert witness pursuant to Rule 702 of the Federal Rules of Evidence and Daubert, and rely on their memorandum of law, Dkt 330 pp. 17-23, and supporting affidavits and exhibits, Dkt. 331.

Defendants' expert report should also be excluded from the Court's consideration of Defendants' motion for partial summary judgment on the grounds that report is "unsworn and thus is hearsay, which may not be considered on a motion for summary judgment." Pack v. Damon Corp., 434 F.3d 810, 815 (6th Cir. 2006). Dkt. 330 p. 27. Moreover, the report cannot be sworn as "true and correct" by a subsequent affidavit of the expert witness because the witness had testified on deposition that the report contained "false" statements. Dkt. 331-1, Raina Tr. 111/1-11; 112/3-7.

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Respectfully Submitted,



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CERTIFICATE OF SERVICE

I, Dimitry Joffe, hereby certify that on this 17th day of April 2020, I caused a copy of Plaintiffs' Cross-Motions to be served by ECF upon Defendants' counsel of record.

A handwritten signature in blue ink, reading "Dimitry Joffe", with a horizontal line extending to the right.

Dimitry Joffe
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